

REMARKS

Claims 1 – 15 remain in the application and stand rejected. Claims 1, 2, 5, 6 and 11 are amended herein. New claims 16 and 17 are added. No new matter is added. Although this response is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 50-3818.

The specification is amended to correct typographical errors. No new matter is added. Entry of the amendment is respectfully requested.

The MPEP provides in pertinent part that “the examiner should always look for enabled, allowable subject matter and communicate to applicant what that subject matter is at the earliest point possible in the prosecution of the application.” MPEP 2164.04 (emphasis original).

Claims 1, 2, 5, 6 and 11 are amended and new claims 16 and 17 are added to better recite the invention. Thus, claims 1 and 5 are amended to better recite distributed modeling of network components and specifically, distributing modeling tool systems 1000 in various network components with each modeling tool system 1000 modeling message paths to/from the component in which it resides. This is supported in Figure 1 and in the specification at page 3, lines 19 – 31. Further, claims 1, 5 and 11 are amended to recite that the modeling tool system 1000 defines “behavior of each system component in the system and a message and log structure for recording an analyzing the history of message traversal through various other ones of said one or more system components.” This is supported in the specification at page 3, lines 23 – 30. Claims 2 and 6 are amended responsive to the amendment to claims 1 and 5. No new matter is added and this is neither taught nor suggested by any reference of record.

Claim 11 is further amended and claims 16 and 17 are added to recite the SIP Invite generator, Real Time Communications protocol (RTC) module, Assistant Engine (AE) module, Virtual Assistant (VA) module, web server module, and database module, shown in Figures 2 – 5 and described in the specification, e.g., page 6, line 9 – page 8, line 24. No new matter is added and this is neither taught nor suggested by any reference of record. Independent consideration and allowance of new claims 16 and 17 is respectfully requested.

Claims 1, 3 and 4 are rejected as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 5,754,831 to Berman (and to incorporated U.S. Patent No. 5,845,124 also to Berman, '124) in view of U.S. Patent No. 6,996,527 to Papaefstathiou. Claims 2 and 5 – 15 are rejected under 35 U.S.C. §103(a) over Berman and Papaefstathiou in view of U.S. Patent No. 7,031,895 to Takahashi.

In rejecting claim 2, the Office action acknowledges that “Berman does not explicitly state that the defining steps are implemented on a plurality of **systems**.” #5, page 5 (emphasis added). For this the Office action relies on Takahashi Figure 8 and col. 15, lines 4 – 41.

Takahashi Figure 8 shows “networks A, B, and C comprise model generation/measurement devices 51 (51A, 51B, and 51C) and simulators 52 (52A, 52B, and 52C).” Col. 15, lines 11 – 13. There is nothing to indicate that Takahashi is doing anything but collecting data from 3 different independent networks. For example, the “manager of each of the networks A, B, and C can refer to or download a simulation model of another network from the model management device 40 through a communications unit, etc. not shown in the attached drawings.” *Id.*, lines 30 – 33. Providing a network manager of one network with simulation results of another is hardly distributed modeling. Nor does Takahashi teach anything or suggest how the measurements relate communications between the networks A, B and C or how each is affected by others, much less how messages traverse through various other system components. Claim 1, lines 5 – 7, claim 5, lines 9 – 10 and claim 11, lines 16 – 17. Therefore, the combination of Berman and Papaefstathiou, alone or further in view of Takahashi fails to result in the present invention, as recited in claims 1, 5 and 11, as amended.

Moreover, dependent claims include all of the differences with the references as the claims from which they depend. MPEP § 608.01(n) II and III (“The test for a proper dependent claim under the fourth paragraph of 35 U.S.C. 112 is whether the dependent claim includes every limitation of the claim from which it depends.”). Therefore, the combination of Berman, Papaefstathiou and Takahashi fails to result in the present invention as recited by claims 2 – 4, 6 – 10 and 12 – 15, which depend from claims 1, 5 and 11. Reconsideration and withdrawal of the rejection of claims 1 – 15 under 35 U.S.C. §103(a) is respectfully requested.

Amendment
March 4, 2009

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The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request consideration of new claims 16 and 17, reconsideration and withdrawal the rejection of claims 1 – 15 under 35 U.S.C. §103(a) and allowance of the application to issue.

The applicants note that MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

If **the examiner** is satisfied after the search has been completed that patentable subject matter has been **disclosed** and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

(emphasis added). The applicants continue to believe that the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

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Respectfully submitted,

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